

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Abdirahman Osman,

Plaintiff,

v.

**COMPLAINT**

United States of America,

Defendant.

---

NOW COMES Plaintiff, ABDIRAHMAN OSMAN, by and through undersigned counsel, and for his complaint against Defendant UNITED STATES OF AMERICA, states as follows:

1. The district courts of the United States of America have exclusive jurisdiction of this action under the Military Claims Act, 10 U.S.C. § 2733, as amended, and 28 U.S.C. § 1346(b)(1), as it includes a civil action against the United States for money damages for personal injury caused by negligent or wrongful acts or omissions of employees of the United States while acting within the scope of their office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act of omission occurred.

2. Plaintiff, ABDIRAHMAN OSMAN, is a United States citizen currently residing in the State of Minnesota.

3. Plaintiff, ABDIRAHMAN OSMAN, previously filed a claim (No. 18-172-T011) against the United States of America, Department of the Army under the Federal Tort Claims Act on November 16, 2017. See attached Exhibit 1; Form 95 Claim.

4. The Federal Tort Claim filed by Plaintiff ABDIRAHMAN OSMAN, was acknowledged by Defendant, UNITED STATES OF AMERICA, on December 8, 2017. See attached Exhibit 2.

5. Defendant, UNITED STATES OF AMERICA, by the Department of the Army has implicitly denied Plaintiff's claim because it has failed to respond in writing within six months after Plaintiff filed his claim on November 16, 2017.

6. Plaintiff, ABDIRAHMAN OSMAN, has complied with all jurisdictional provisions of 28 U.S.C. § 2671 et seq. and has exhausted his administrative remedies prior to the filing of this action.

7. Venue is proper in the District of Minnesota pursuant to 28 U.S.C. § 1391(e) in that the occurrence giving rise to this action occurred in this District.

8. On March 4, 2016, Plaintiff ABDIRAHMAN OSMAN, was operating his vehicle southbound on Highway 10 near County Road 3 in Sherburne County Minnesota.

9. On March 4, 2016, and all times relevant herein, Caleb Sazama was operating a military tanker as part of a military convoy northbound on Highway 10 near County Road 3 in Sherburne County Minnesota.

10. On March 4, 2016, and all times relevant herein, Caleb Sazama was employed by the United States Army, and was at all times acting within the scope and agency of his employment with the United States Army.

11. On March 4, 2016, at approximately 12:22 p.m., Caleb Sazama lost control of the military tanker, crossed the median striking Plaintiff, ABDIRAHMAN OSMAN'S, vehicle causing a violent crash between the two vehicles.

12. Plaintiff, ABDIRAHMAN OSMAN, alleges that the injuries and damages he sustained as a result of the crash were caused by negligent or wrongful acts or

omissions of employees to the United States of America while acting within the scope of their office or employment, including, but not limited to the following:

- Failing to keep his vehicle under control by over-correcting or over-steering his vehicle;
- Driving too fast for the conditions; and
- Failing to keep his vehicle in the proper lane of traffic.

13. As a result of this accident, Plaintiff sustained injuries satisfying the thresholds set forth in Minn. Stat. 65B.51, subd. 3, which include, but are in no way limited to, medical expenses in excess of \$4,000.00.

14. That as a result of the aforesaid injuries sustained by Plaintiff, ABDIRAHMAN OSMAN, he was caused to and will in the future experience mental and physical pain and suffering, has suffered and will in the future suffer disability and disfigurement, has suffered and will in the future suffer a loss of a normal life, has been caused to incur and will in the future incur expenses for necessary medical care, treatment and services, has suffered and will in the future suffer a loss of the value of his time, earnings, profits and salaries and has been and will be damaged in his earning capacity, and has otherwise been damaged in a personal and pecuniary nature.

WHEREFORE, Plaintiff ABDIRAHMAN OSMAN, prays that judgment be entered in his favor and against Defendant UNITED STATES OF AMERICA, in the sum of \$750,000.00, together with interest, attorneys' fees and the cost of this action.

SCHWEBEL GOETZ & SIEBEN, P.A.

Dated: August 6, 2020

By /s/ Courtney A. Lawrence  
Courtney A. Lawrence (#389015)  
James S. Ballentine (#209739)  
Matthew J. Barber (#397240)  
ATTORNEYS FOR THE PLAINTIFF  
5120 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402-2246  
Telephone: 612-377-7777  
Fax: 612-333-6311  
Email: [clawrence@schwebel.com](mailto:clawrence@schwebel.com)  
Email: [jballentine@schwebel.com](mailto:jballentine@schwebel.com)  
Email: [mbarber@schwebel.com](mailto:mbarber@schwebel.com)